

**In the Supreme Court of Iowa**

**In the Matter of Request for  
Public Comment Regarding  
Access to Justice  
Recommendations**

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**Order**

**FILED**

OCT 01 2014

CLERK SUPREME COURT

In December 2013, The Iowa State Bar Association formed an Access to Justice Committee (Committee) to propose solutions to the significant funding decrease confronting Iowa's legal aid programs. Earlier this year, the Committee submitted a report to the Iowa Supreme Court with two recommendations to "lessen the increasing problem of Iowans lacking access to justice." The first recommendation is to adopt a pro hac vice fee of \$250 per attorney per case and direct the proceeds to support civil legal services for low-income Iowans. The second recommendation from the Committee is for continued support of a state appropriation for civil legal assistance and an increase in the amount of the appropriation to the Legal Services for Persons in Poverty Grants Program. In addition to the Committee's recommendations, Iowa Legal Aid directly requested that the supreme court adopt an annual fee of \$100 per attorney and direct the proceeds to support civil legal services to low-income Iowans.

Funding for legal assistance for low-income individuals and families comes mainly from the following sources: (1) state general fund appropriations; (2) grants funded from interest on Lawyers' Trust Account (IOLTA) funds; (3) private donations; (4) other grants; and (5) federal funds. IOLTA grant funds are generated entirely from interest earned on certain pooled trust accounts held by Iowa attorneys. Attorneys practicing law in Iowa are required by court rule to deposit clients' funds the attorneys hold in interest-bearing accounts. When the

funds involved are so small in amount or held for such a brief period of time that it is not possible for the funds to economically benefit the individual client, court rules require that attorneys deposit the funds in pooled interest-bearing trust accounts.

During the recent recession, many legal service organizations suffered a severe decrease in funding from all of the above sources. Demand for civil legal assistance increased at the same time funding to provide those services decreased. Iowa Legal Aid states that it turns away or under serves approximately 13,500 potential clients every year, while its funding from Legal Services Corporation is \$250,138 less than in 2010 and its IOLTA funding has declined \$771,905 from the most recent high during 2008-2009.

The court thanks the Committee and The Iowa State Bar Association for their leadership on this issue. The court shares the Committee's concerns regarding access to justice for low-income individuals and families. Iowa Legal Aid, HELP in Davenport, Story County Legal Aid, Muscatine Legal Services, the Polk County Volunteer Lawyers Project, and other legal service organizations all are devoted to helping Iowa's citizens with civil legal assistance. Iowa's attorneys have donated tens of thousands of hours of their time annually in recent years to provide legal services to those who cannot afford to pay. In addition, the court has implemented emeritus and student practice rules to encourage retired attorneys and law students to provide volunteer legal services on behalf of legal aid organizations serving low-income individuals and families. However, despite the generosity of Iowa's attorneys in donating their time and money, the demand for civil legal assistance exceeds the current capacity.

The supreme court seeks public comment on the recommendations from the Committee and Iowa Legal Aid. The court intends to continue its support of a state appropriation, thus leaving the remaining recommendations for public comment.

The court is especially interested in commenters' views on the following:

1. Should there be a pro hac vice fee of \$250 per attorney per case with the proceeds deposited into the Client Security Trust Fund? Attorneys who apply for pro hac vice admittance to practice law in Iowa are attorneys admitted to practice in other states but not Iowa and are seeking permission to participate in a particular case in Iowa. Currently there is not a fee for pro hac vice admissions in Iowa.
2. Should the court implement a mandatory \$100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds?
3. While it was not a recommendation from the Committee or Iowa Legal Aid, the court is also interested in public comment on whether the court should implement a \$100 per attorney annual fee, which an individual attorney may affirmatively elect not to pay, with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds.

The following information is posted on the Iowa Judicial Branch website: (1) the ISBA Access to Justice report; (2) the letter from Iowa Legal Aid recommending adoption of an annual \$100 fee per attorney to support civil legal assistance; and (3) a staff report providing additional

information regarding pro hac vice fees and fees payable by attorneys to support civil legal assistance.

Any interested organization, agency, or person may submit comments regarding the proposed recommendations. Comments sent by email must be emailed to **rules.comments@iowacourts.gov**, must state **"Access to Justice"** in the subject line of the email and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

**The deadline for submitting comments is 4:30 p.m. on January 5, 2015.**

Dated this 1<sup>st</sup> day of October, 2014.

The Supreme Court of Iowa

By Mark S. Cady  
Mark S. Cady, Chief Justice